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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 LINDA MARIE MCCLURE,

12 Plaintiff,

13 vs.

14 COMMISSIONER OF SOCIAL  
SECURITY,

15 Defendant.  
16

CASE NO. 15cv1312-LAB (RBB)

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

17 Linda McClure challenges the denial of her claim for disability benefits under the  
18 Social Security Act. The challenge was referred to Magistrate Judge Brooks for a Report and  
19 Recommendation ("R & R"). Judge Brooks issued his R & R, finding that McClure's  
20 summary judgment motion should be granted, the Commissioner's summary judgment  
21 motion should be denied, and the case should be remanded for further administrative  
22 proceedings. No objections were filed.

23 A district court has jurisdiction to review a Magistrate Judge's report and  
24 recommendation on dispositive matters. Fed. R. Civ. P. 72(b). "The district judge must  
25 determine de novo any part of the magistrate judge's disposition that has been properly  
26 objected to." *Id.* "A judge of the court may accept, reject, or modify, in whole or in part, the  
27 findings or recommendation made by the magistrate judge." 28 U.S.C. § 636(b)(1).

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1 Under both the Standing Order of the undersigned Judge and the Local Rules of the  
2 Court, the failure to file an objection to a motion may be construed as consent to the motion  
3 being granted, and the Court extends this to the failure to file an objection to a R & R. Local  
4 Rule 7.1(f)(3)(c). The Court has reviewed Judge Brooks' thorough R & R and finds it is  
5 correct. It is **ADOPTED**.

6 McClure's motion for summary judgement is therefore **GRANTED**, the  
7 Commissioner's motion for summary judgement is **DENIED** and the case is **REMANDED** for  
8 further administrative proceedings.

9 **IT IS SO ORDERED.**

10 DATED: September 6, 2016

A handwritten signature in black ink, reading "Larry A. Burns", is written over a horizontal line.

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12 **HONORABLE LARRY ALAN BURNS**  
United States District Judge